

Please amend the application as follows:

IN THE CLAIMS:

Please cancel claims 1-14, 30-32 and 35.

REMARKS

The Examiner avers that Claims 1-14 and 28-35 are pending in this application and subject to Restriction Requirement. Claim 32 was objected to.

Applicants respectfully submit that prior to this Amendment, claims properly pending in this application were claims 1-14, 28-32 and 34-36. Applicants respectfully point out that claim 33 was canceled and new claims 34-36 were added in the Preliminary Amendment filed September 29, 2000. After this Amendment, claims 28, 29, 34, and 36 are pending in the application.

Restriction Requirement

The Examiner has required restriction to one of the following inventions as required under 35 USC 121:

Group I - Claims 1-14 drawn to an aqueous composition comprising primers and to diagnostic tests.

Group II - Claim 30 drawn to a diagnostic element.

Group III - Claim 31 drawn to a method for preparing a reaction mixture for PCR.

Group IV - Claim 32 drawn to oligonucleotides.

Group V - Claims 28, 29 and 33-35 (sic), drawn to a method of simultaneous amplification and detection of two target DNAs.

Applicants traverse the restriction requirement. Applicants however have canceled claims 1-14, 30-32 and 35 and herein elect Group V, which, after entry of this amendment, corresponds to claims 28, 29, ~~34~~ and ~~36~~.  
33 35

**Notice to Comply with Sequence Requirements**

Applicants' undersigned representative thanks Examiner Strzelecka for clarifying the Sequence Compliance Requirements included in the Office Action. Since it was Applicants' intention to cancel claim 32 in this Office Action as claim 32 issued in USP 5,654,416, Examiner Strzelecka confirmed that Applicants need not provide SEQ. ID. NOs. for the sequences in an amended claim 32, but that Applicants could meet the requirement by confirming that each sequence listed in claim 32 corresponds to a SEQ.ID. NO. disclosed in the specification as filed, and listing which ones they were. Thus, Applicants herein confirm that each and every one of the sequences listed in claim 32 correspond to a SEQ. ID. NO. disclosed in the specification as filed; in particular, the sequences claimed in claim 32, in order, correspond to SEQ. ID. Nos. 26-37, 39-41, 51-57 and 63-65, respectively.

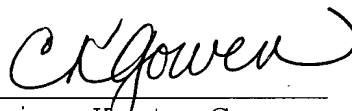
Applicants respectfully submit that the above information is fully responsive to the Sequence Compliance Requirements as stated in the Office Action at page 2, and the Notice to Comply appended thereto. In that Notice, boxes 1 and 7 have been marked. Examiner Strzelecka confirmed that marked item 1 on that form as marked is completely satisfied by a response to item 7 on that form. Since Applicants have hereinabove made a full response to item 7, Applicants respectfully submit that their statements herein are fully responsive to the Notice to

Comply, and that since claim 32 contains no sequences other than those already disclosed in the application as filed, and for which the necessary CRF paper copy of the sequences and statement have already been provided, Applicants need provide no further sequence disclosures.

Applicants will forward formal drawings when allowable subject matter has been indicated.

If any fees are due in connection with the filing of this amendment, authorization is hereby granted to charge the amount of such fee to Deposit Account No.10-0750/CDS-226/CKG in the name of Johnson & Johnson.

Respectfully submitted,



Catherine Kurtz Gowen  
Attorney for Applicants  
Registration No. 32,148

DATE: September 25,2001

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
Telephone No. 732-524-2681  
Facsimile No. 732-524-2808